

(IN)SECURITIZATION BY POLICE IN TURKEY - a brief overview in 2014

According to the data Eurostat provides, between 2003 and 2006, the net increase in the number of police officers in Turkey was 12.121, and, then 83.091 in the next five years from 2007 and 2012.¹ In other words, for the first 5-year term approximately an increase of 3.000 per year, and almost 11.800 each year in the following term. Net increase has multiplied for almost four times after 2007, annually! The statistics provided by UN Drug and Crime Office Turkey is, with 564.6 police officers per 100.000, the second in line after Russia. Moreover, 157 people were murdered by the police between 2007 and 2012. Through the sheer sky-rocketing of police in quantitative terms, “policing” has become the practical reality of our daily lives in Turkey.

In this article, I will briefly demonstrate how “insecuritization” associated with policing has evolved since 2007, when the a major amendment in the law of police powers (*Polis Vazife ve Salahiyetleri Kanunu – PVSK*) was put into force, by referring to some incidents & cases as focal indicators. The aim of the amendment on the surface was to reduce “mugging and terror.” On the other hand, extrajudicial executions by both police and military officers in 1980s and 1990s have become a “legal” right for the police in 2007.² The first sign of this ‘right’ was the amendment in the Article 16 of PVSK. This article leaves the authority to the police officers to determine when to resort to fire arms during service without permission of a superior officer. Although the amendment seemingly to limits the police’s authorization of use of fire arms, even these lines depend on the officers’ subjective view of the situation.³ It also grants the police authorization to fire, with the condition of warning in advance, not only in case of any danger to the lives of officers or citizens, but also to in the pursuit to catch suspects. However, in several cases of shootings by the police, the requirement of warning has been breached. On another vein, police proved their ability to cover the traces of murders in the hands of officers. Although it is hard to provide statistics for spoliation of evidences by police, there are several publicly known in which police actively spoiled the evidences (see murders of Baran Tursun, Ali İsmail Korkmaz, Festus Okey etc.)

¹Eurostat, May 16, 2014, accessed May 31, 2014, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=crim_plce&lang=en

²İsmail Saymaz, *Polisin Eline Düşünce Sıfır Tolerans* (İstanbul: İletişim, 2012), p.13

³Zeynep Gönen, et al., *Polis Yasalarının Ruhü: Mevzuatta Söylemler, Araçlar ve Zihniyet*, (İstanbul: TESEV Yayınları), p.34



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The Baran Tursun Case (2007). Baran Tursun, born in 1989, was living in İzmir his family had migrated from Lice, Diyarbakır in 1992 from the insecurity of war in the region. On the evening of November 25th, 2007, Baran was driving back home with his friends, after a celebration. The car he was driving, which belonged to his father, was found suspicious and chased by police. According to the testimony of one of his friends in the car, there was no warning to stop by the police.⁴ Due to the fact that his driving license was seized by police twice before already, Baran did not stop. The number of police cars in the chase suddenly increased to three. Police barricaded on the road with demand of the chasing police cars. Baran was shot by police officer Oral Emre Atar, who was one of those blocking the road. After four minutes in the police chase of Baran's car, gun fire was heard. The car crashed into a tree. When officers came to arrest the three in the car, they saw Baran was bleeding in the head. He was taken to hospital, and his two friends to the police station. At first, the cause of his death was recorded as the injuries resulting from the car crash. However, in the hospital it was found that Baran was shot by head. He survived only five more days. The case of the shooting of Baran Tursun shows that the police did not only aim to stop the car. Had stopping the car been their only goal, they could have stopped it without shooting at those in the car directly. In the course of the investigation, camera records showed that some documents which were in the trunk, likely belonging to his father, were taken out and laid out on Baran's knees by the officers. As such, papers on his lap would demonstrate that he had crashed the car into the tree, while he was distracted by some papers he was reading at the moment. Thus the plot of the car crash was revealed. Following the investigation, charges were dropped against Oral Emre Atar, the officer, the police who had shot Tursun. Atar argued that he fell down while the car was passing nearby them during the chase, and thus the gunfire was accidental. During the court proceedings thirty-eight police officers were heard as witnesses. Only one of them testifies that while shooting, Atar had remained standing. By the end of the trial hearings, the court decided that the officer was standing while shooting. The court decision that sentenced Atar to imprisonment for a term of two years and one month was reached after a lengthy (approximately 2 years) process, which included claims of spoliation of evidences and prevarications. In the meanwhile, officer who had testified that Atar had remained standing during the shooting, was reassigned to another position. There was no significant institutional, disciplinary punishment for Atar except for a twenty-four month suspension of advance in seniority.⁵ The case of Baran Tursun is not an exceptional one in daily life in Turkey. There have been cases of arbitrary shooting, spoliation of evidences, protection of murder suspects by police & administrative authorities. The attitude of administrative superiors is inclined to legitimize the murder

4 Uğur Biryol, "Polis Devletinde Yaşananlar", *Birikim*, November 19, 2008, accessed May 31, 2014, <http://www.birikimdergisi.com/birikim/makale.aspx?mid=477&makale=Polis%20Devletinde%20Ya%FEananlar>

5 İsmail Saymaz, *Polisin Eline Düşünce Sıfır Tolerans* (İstanbul: İletişim, 2012), p.220-232.



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as an accident, or with the hypothetical, generic claim that “what if there was bomb in that car?”⁶ rather than clear & imminent or present danger, demonstrated by evidence.

The case of Baran Tursun is a well-known one, as it had been a topic of debate in mainstream media, at least for a while. However, today such incidents rarely make it to the headlines, having been “normal”ized, appearing in press as ordinary news. A statement by one of Tursun’s lawyers, Alper Bağıran, may contribute to see what is beneath the surface of such police violence. He mentions of a *bonus* system to measure the performance of police officers. According to Bağıran, in 2008, the year following Hüseyin Çapkın’s appointment to İzmir as the chief of police, reports of alleged ‘resistance to police officers’ and robbery charges in İzmir had increased in number significantly.⁷ The fact that that system has been in action for a while was admitted by Governor of İstanbul, Hüseyin Avni Mutlu, as a response to the parliamentary question to the Minister of Interior asked by Melda Onur, who was then and still is a parliamentarian and member of main opposition party, CHP (Republican People’s Party).⁸ According to the Governor, the bonus system was devised for improvement in police’s success. The amounts of points-to-be-gained are determined depending on the provincial density of crimes ranked in the list of point. The list explains why there was increase in robbery and resisting police.⁹ The score gained by apprehension of “thieves” was designated as 1000 points. And, it does not matter whether or not suspect was arrested; if the suspect is found out to be guilty of the alleged crime the officer gets 250 more points. Considering police’s involvement in judicial investigations, it has also been widely & frequently claimed that police is able to forge documents that provide and or support evidence of the alleged crimes. Given the fact that regular, public order police force in Turkey also serves as the judicial police, their involvement in judicial investigations and court proceedings opens up a much-debated issue of conflict of interests, that focus on the capacity to influence an investigation, and thus, eventually final court judgements about suspects under prosecution. The list also includes the item of “resisting police officers”, with a score value of 20 points. Surprisingly low in comparison to capture of a “thief”. In that vein, hypothetically, it would require 50 incidences of being confronted with resistance while on duty, for a police officer to score 1,000 points and to get promoted, instead of

6 Uğur Biryol, “Polis Devletinde Yaşananlar”, Birikim, November 19, 2008, accessed May 31, 2014, <http://www.birikimdergisi.com/birikim/makale.aspx?mid=477&makale=Polis%20Devletinde%20Ya%FEananlar>

7 Uğur Biryol, “Polis Devletinde Yaşananlar”, Birikim, November 19, 2008, accessed May 31, 2014, <http://www.birikimdergisi.com/birikim/makale.aspx?mid=477&makale=Polis%20Devletinde%20Ya%FEananlar>

8 Polisin bilinen bayanı, Sabah, May 10, 2012, accessed May 31, 2014, <http://www.sabah.com.tr/Gundem/2012/05/10/polisin-bilinen-bayani>

9 AGOS, May 10, 2012, accessed in May 31, 2014, <http://www.agos.com.tr/haber.php?seo=polis-puan-cetvelindeki-bilinen-bayan-terimi-resmi-olarak-aciklandi&haberid=1452>



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being assigned to guarding duty. The vagueness regarding the definition of resistance – and of the criteria of transgressing the criminal threshold – remains. The only standard for determining what is resistance and what is not, is determined by the very police officer himself who claims to have been resisted. Then, custody for that charge without any court decision is an illegal punishment just for being suspect. There is a plethora of cases in which people taken under custody for alleged resistance to police, were in fact subjected to ill-treatment & torture in police stations.

It has been claimed that the BONUS system was put to practice in İzmir by the administrative team of the police that got re-posted there from Bursa, with Hüseyin Çapkın's appointment as the Provincial Police Chief of İzmir. The more the number of people an officer arrest, records a 'crime,' or fines for misdemeanors, etc. the higher the points gained. These points are influential in the career of officers; getting promoted to operational branches or being assigned for guard duties. As such, police officers work under not only direct &/or indirect encouragement, in/formal authorization for disproportionately violent action, but also under the pressure of getting more points.

With the application of *BONUS* system, transvestites, for instance, have been exposed harassment more than ever. Depending on the law of misdemeanors, police officers may fine an act of public disturbance, for 50 TL (approx. 20 €). Apart from the violence they were subjected in police stations, transvestites walking in İstiklal Avenue are fined for the act of public disturbance which is defined in law as "disturbing others for the reason of selling goods or services..." In such an incident, there is both humiliation and fining without any other reason than the act of walking. One victims of such common practice, alias Ebru, tells her story: "Once, I bought beef from butcher's shop, bread from market, and was walking home. An officer intercepted and fined me. Another time, when I was at the coiffeur, they took me out of the shop and fined me for the act of disturbance..."¹⁰ This interview was published in 2009 when the BONUS system was imported to İstanbul.

Implementation of BONUS system in İzmir was not only associated with Baran Tursun's murder. The outcomes seem to be more structural than it meets the eye. Police's discourse vis-à-vis citizens and elected officials are mostly supported by the arguments of increase in crime¹¹. The amendment of the PVSK was legitimized by this very fear indeed. Media had also been influential for the dissemination of fear & insecurity in daily life. In a sense, the grounds were ready to justify and call out for a stronger police force with a more stern powers and/or authority; preemptive policing was

10 Umay Aktaş Salman, "Çapkından İstanbul Polisine Travestiyi eve Hapsetme Bonusu" *Radikal*, September 18, 2009, accessed in June 2, 2014, http://www.radikal.com.tr/dunya/kirmizi_isikta_gecen_anayasa_mahkemesi_yargici_istifa_e_tti-1195146

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needed. In the end, we have now preemptive policing which aims against potential crimes. A fantasy of the movie 'Minority Report'¹² that has come true in Turkey, except for the motif of prophecies. Here, the police does not rely on prophecies, just arbitrarily acts on a bias against "usual suspects". In İzmir, this was in action by "scratching", as the strategy to provoke employed by police was called, after Çapkın's appointment in Izmir. The provision of adequate fear of crime and insecurity, for the chief, should be the first duty of police.¹³ The fight against crime also helped reap up the consent of "acceptable and respected citizens" of the city, who themselves are not in the category of "usual suspects". Depending on certain characteristics along with biases, respectable citizens were 'harassed' by the police. Stopping to check ID cards and criminal records of those people became a routine practice for the police. Picking up the potential criminals was the aim. There were scheduled meetings for designating who were to be controlled.

The backdrop of the BONUS system, reveals a wider picture. The groups that were pressured with controls and checks were predominantly those suffering poverty; the Kurds, gypsies, prostitutes, LGBTs, and the like, that were placed in the lower socio-economic strata. These groups should be separated from the acceptable and respectable ones, in the eyes of police. Çapkın's practices of control were "successful" on its own. Those not exposed to police violence were happy to live in a 'peaceful', 'secure' city. Çapkın's strategy was appreciated and appraised by his higher ups Ankara and he was considered "successful" enough to be promoted to Istanbul as the Chief of Police.¹⁴ This strategy was a paragon for the police forces in the other parts of Turkey, particularly in big cities with significant migrant populations and being the fertile soil for policies that further gentrification and poverty. Gradually, for the common folk, violent practice of the police has come to be part of the daily life routine. And, eventually, the central authority manifested their appreciation of this strategy by legalizing the system through issuing a regulation in 2012.¹⁵

By the time that Gezi Park Protests had erupted in June 2013, the scope of the extent of criminalized, degraded population had widened beyond what it had been in 2008. Eliminating traitors, protecting the 'sane' citizens from 'pressure' of demonstrators who aimed to stall Turkey's development. New target groups were added onto the former ones and new spice into the discourse. Police violence, maltreatment, insecurity have become constant in our daily lives. One can simply be

12 Minority Report is a feature film directed by Steven Spielberg. In the movie, a special unit is responsible to prevent prospective murders with the help of the premonitions by three clairvoyants.

13 Zeynep Gönen, "Suçla mücadele ve neo-liberal Türkiye'de toksulluğun zaptiyesi", *Birikim*, January, 2012, p. 48-56

14 Zeynep Gönen, "Suçla mücadele ve neo-liberal Türkiye'de toksulluğun zaptiyesi", *Birikim*, January, 2012, p. 48-56

15 Resmi Gazete, July 4, 2012, no: 28343,
<http://www.resmigazete.gov.tr/eskiler/2012/07/20120704-14.htm>



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shot by police, or taken under custody just for not seeming to be normal to an officer and beaten in police station under the surveillance cameras installed. What claims to protect the citizens has become the very thing threatening them, on a regular basis.

Jurisdiction runs conveniently in line with police violence. Once under preemptive surveillance or detained during a rally, having a copy of the Communist Manifesto in the bookshelf at home may simply become the grounds for prosecution to press charges of terrorism manipulating the vague definition provided in the anti-terrorism act¹⁶, In the meanwhile, the very same book is sold freely in the market, and, is included in the syllabuses of social science departments at the universities. The definitive thresholds of criminal acts have eroded and there are no clear, non-arbitrary criteria of identifying a crime and for that matter, a criminal in Turkey, except for how the polices desires society to be. Police acts as the prosecutor, judge, and executor at the same time. More dangerously, their authority is implicitly consented by the central authority and supported by legal structure. The stories told in this article was only tracing a person in charge who practices preemptive policing. But what is happening in Turkey is not about a person. Çapkın is not the Provincial chief today. However, the gift he presented to the authority in Turkey has been embraced and started to be implicated at nationwide. As this article is being written, on May 31, 2014,, people were beaten, gassed and humiliated at the center of the largest city of Turkey, İstanbul, for protesting the government. Possibly tomorrow those who has been in that square will be called terrorists, atheists, leftists in a country where people were murdered massacred violently for being leftist.¹⁷

¹⁶ 'Komünist Manifesto' delil sayıldı, t24.com.tr, last modified October 25, 2009, accessed May 31, 2014



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17 "Erdoğan'dan ODTÜ'deki eylemcilere: Bu solcular ateist, bunlar terörist!," t24.com.tr, last modified February 28 2014, accessed May 31 2014



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